

sions, through constitutional amendments there has been a continuous development in law to meet the need of ever changing social conditions and customs.

This is in essence the substance of the book. It is the credo of one who believes that economic matters are for the most part self-regulating. At least the government should attempt only a minimum of control. There is also, the author appears to believe, an automatic regulator of political affairs arising from the fact that our government is one of "laws and not of men." It is a system of checks and balances, of legislatures, executives, and courts which can be counted upon to provide protection to the welfare and liberty of the people.

Despite the emphasis placed upon the function of law in the social order, one suspects that the author relies more upon the judge than upon the law as the source of justice. As he has explained elsewhere in his widely-read article on "the judicial hunch" the function of the judge is to cut through the maze of apparently contradictory precedents to reach the justice of the particular case. Law is the regulator of society, but it is meted out by men who will temper strict rules with decisions which show a feeling for the needs of occasion. By providing justice in each particular case there is maintained in motion continuous judicial legislation appropriate to a changing social order.

CRAIG STOCKDALE

PUBLIC NOTICE OR SERVICE BY PUBLICATION IN HISTORY, LAW AND PROCEDURE — *James E. Pollard*.* 1938

This 40-page brochure is an urge to bigger and better legal advertising in newspapers to be paid for at not less than regular commercial rates. If one were to infer from the title that the booklet contains instruction upon methods of preparing a public notice in proper legal form, he would be in error, for it is in no sense a text book.

The author objects to the use of the term "legal advertising" on the grounds that the word "legal" may be defined as "something that is not illegal" and the word "advertising" may be defined as "the offering of goods for sale." In the face of the fact, however, that "legal" also means "of or pertaining to the law" and that such publications always appear in the advertising columns and are paid for at advertising rates, one is inclined to the opinion that objection to the phrase "legal advertising" is based more upon personal preference than exact definition.

The author prefers the term "public notice" for such publications

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and the reviewer concedes that this designation is best in that it is all-inclusive, covering alike all those notices required or authorized by law and those dictated by custom. A public notice is briefly defined as one that is published to notify a certain person or persons of an act or action, already taken or proposed to be taken, which may affect some private or public right. Not all public notices are official pronouncements. For example, they may be notices of stockholders' meetings required by a corporation's by-laws but not by statute. Or they may be notices of receivers to claimants, required neither by statute nor order of court, but dictated by good business practice and square dealing.

The author traces the history of the giving of public notice from the Greek heralds and Roman criers who proclaimed the will of the king, summoned litigants and witnesses into court or invited the populace to games; through the early court newspapers of Rome, Peking, and London which disseminated royal decrees and other official actions; forward to the days when "to whom it may concern" announcements were tacked on church doors or posted in the public square and finally down to the present day.

Here the author reaches his goal. He discards all other methods of public contact in favor of the newspaper. He dismisses the posting of a notice in a public place as wholly insufficient. The radio he casts aside as transient and intangible except in rare emergencies. Billboards and handbills, he says, have obvious physical limitations and service by telephone is not easily subject to proof. These criticisms have the virtue of being reasonable.

That newspaper publishers are alive to the value to them of bigger and better public notices is revealed by the author who refers to a survey made by the National Editorial Association which showed that 250 different kinds of public notices were in use in 24 states. Some were in general use and some were in frequent use but most of them were in common use in only a few states.

Some states require annual (or even monthly) publication of financial statements of cities and villages. Some even require publication of the proceedings of the meetings of city councils, township trustees, and school boards. Some require publication of assessments, many require publication of delinquent tax lists, and practically all states require notices of elections, sheriff's sales, etc., * * * at the expense of the public treasury.

The author criticizes public officials who, for economy or for a political reason, seek to avoid publication of notices required by law and

also laments the practice of some newspaper publishers who cut advertising rates in order to take business away from a competitor.

"There can be no question but that public notices from official sources constitute one of the chief financial props of the so-called country newspapers in America and this is also true to some extent of the smaller dailies," says the author, "and if the publisher fails to use every legitimate means to develop the public notice as a source of revenue for his publication he stamps himself as an indifferent business man."

On the ground that "there is a vital need for the fullest possible publicity in governmental affairs" the author urges publishers to insist, "even to the point of bringing legal action," upon the publication in full of all mandatory public notices which are now summarized or may have fallen into disuse, and also to make united efforts to increase the number of public notices which must be published.

The reader should recognize that the author speaks strictly from the journalist's standpoint, and should also keep in mind the fact that the interest of the public in these notices may have a tendency to compel a modification of the writer's statements. That is, approaching the problem from the position of a member of the public, with a view to the particular types of public notices with which he is acquainted, *quaere*, what is the necessity for such a notice; how great is its effectiveness; how may it be clarified, if necessary; in short, what is its general value to the public? With these queries recurring to the mind as the article is perused, the discussion will be, it is believed, better appreciated and reconciled with individual opinions regarding the matter.

ROBERT H. JONES

ROGER B. TANEY, JACKSONIAN JURIST — *Charles W. Smith, Jr. University of North Carolina Press, Chapel Hill. 1936*

Roger B. Taney is probably most widely known as the Chief Justice of the United States Supreme Court, who gave the decision in the famous Dred Scott Case. It is unfortunate that he is known primarily for this. Bad as its reputation has been, even it was a masterpiece of judicial reasoning. Other decisions of his have been of more lasting importance. It is to bring out the real of Taney and to wipe the bad impression of the Dred Scott decision that Charles W. Smith has written this book.

This is not a biography such as is generally written. It does not proceed chronologically from birth to death of the central figure. Rather, Taney's philosophy, character, and mental make-up are analyzed solely